

SECRET

15-562

Approved For Release 2002/05/06 : CIA-RDP57-00384R000500120126-7

MEMORANDUM

22 May 1951

OGC Has Reviewed

TO : General Counsel

FROM : Finance Division

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SUBJECT: Refund of Terminal Leave - [REDACTED]

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25X1A 1. Transmitted herewith is undated memorandum and attachments submitted by [REDACTED] in which he requests a ruling as to the number of hours for which he should reimburse this office for terminal leave payment made by predecessor organization. [REDACTED] suggests that he be required to reimburse the Agency for only 323 hours rather than 456 hours as originally requested by this office. The basis for his request is that this office can, at this time, credit his annual leave account with only 323 hours.

why? 2. It will be noted from the attached copy of our memorandum dated 22 May 1951 to FDM, that a review of his annual leave account reveals that this account can properly be credited with 381 hours, for which this office is requesting reimbursement. There remains for consideration a balance of 75 hours for which refund was not requested because, as of this date, it cannot be credited to his leave account.

3. The technicalities of this case seem to arise out of Comptroller General's Decision No. B-99676, dated 11 January 1951, which pertains to Section 1212 of the General Appropriations Act of 1951, P. L. 759 and provides in part:

"An employee * * * is not required to refund that part of the unexpired leave for which a corresponding leave credit would be prohibited."

4. A similar statement is contained in Comptroller General's Decision B-70596, 27 C. G. 301. However, this decision also provides that:

" * * * The lump sum leave account would seem to contemplate an immediate refund of that part of the lump sum payment which is to be refunded and such requirement ordinarily should be made a condition precedent to the reemployment * * *"

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5. In view of the above, there seems to be reasonable doubt as to whether refund is required for the 75 hours which cannot, at this time, be credited to [REDACTED] leave account. It should be noted that had [REDACTED] transferred his leave balance or effected an immediate refund upon employment by this Agency, he would have had sufficient time to use, rather than forfeit, the leave involved.

6. Your decision in the above matter is requested.

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